

Message Text

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SUBJECT: NEW DRAFT RSFSR CONSTITUTION

SUMMARY: OUR FIRST READING OF THE NEW DRAFT RSFSR CONSTITUTION PUBLISHED IN CENTRAL SOVIET PRESS MARCH 15, INDICATES A TOTAL FIDELITY, IN MOST CASES DOWN TO THE LAST SYLLABLE, TO THE NEW USSR CONSTITUTION ADOPTED WITH SUCH FANFARE LAST AUTUMN. THE NEW DRAFT RSFSR CONSTITUTION PROPOSES NO CHANGES IN ADMINISTRATIVE OR GOVERNMENT STRUCTURE OTHER THAN THOSE CONTAINED IN THE NEW USSR CONSTITUTION AND FAITHFULLY REFLECTS THE NEW USSR CONSTITUTION IN ITS DESCRIPTION OF THE RELATIONSHIP BETWEEN RUSSIAN REPUBLIC AND CENTRAL GOVERNMENTS. DEFINITION OF RSFSR SUPREME SOVIET AND PRESIDUM DUTIES FOLLOW EXACTLY CHANGES INCORPORATED IN NEW USSR CONSTITUTION. END SUMMARY.

1. THE NEW DRAFT RSFSR CONSTITUTION WAS WIDELY PUBLISHED
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IN THE CENTRAL PRESS ON MARCH 15. SINCE AN ANNOUNCEMENT IN "BAKINSKIY RABOCHIY" ON MARCH 12 STATED THAT THE CONSTITUTIONAL COMMISSIONS OF THE RSFSR, BELORUSSIAN, MOLDAVIAN AND ESTONIAN SSRS HAD FINISHED THEIR WORK ON NEW CONSTITUTIONS, WE WILL NO DOUBT SEE THOSE FOR THE OTHER REPUBLICS WITHINEHE NEXT FEW DAYS IN LOCAL NEWS-

PAPERS.

2. AS WAS THE CASE WITH THE 1936-1937 CONSTITUTIONS, THERE APPEARS TO BE ALMOST TOTAL CORRESPONDENCE BETWEEN THE NATIONAL AND RSFSR CONSTITUTIONS. WHERE THERE ARE DIVERGENCIES, THEY ARE OCCASIONED BY THE NEED TO SUBORDINATE THE REPUBLIC TO THE STATE, OR IN SOME CASES TO ELABORATE ON LOCAL DUTIES AND RESPONSIBILITIES. SOME OF THE DIFFERENCES ARE LISTED BELOW:

--ARTICLE 68 STATES THAT THE RSFSR IS A SOVEREIGN SOVIET SOCIALIST STATE, AND ARTICLE 71 LISTS ALL OF THE AUTONOMOUS REPUBLICS, KRAYS, OBLASTS AND AUTONOMOUS OKRUGS WITHIN THE REPUBLIC. THESE TALLY EXACTLY WITH ARTICLE 14 OF THE 1937 RSFSR CONSTITUTION IN ITS LISTING OF KRAYS, OBLASTS AND AUTONOMOUS OBLASTS, BUT INCLUDE TWO ADDITIONAL CATEGORIES MISSING FROM THE EARLIER CONSTITUTION: (A) MOSCOW AND LENINGRAD ARE DECLARED TO BE CITIES OF REPUBLIC SUBORDINATION, AND (B) THE FOLLOWING ARE LISTED AS "AUTONOMOUS OKRUGS", LOCATED WITHIN KRAYS AND OBLASTS: AGINSKIY, BURYATSKIY, KOMI-PERMYATSKIY, KORYAKSKIY, NENETIKIY, TAYMYRSKIY (DOLGANO-NENETSKIY), UST'-ORDYNSKIY BURYATSKIY, KHANTY-MANSIYSKIY, CHUKOTSKIY, EVENKIYSKIY, YAMALO-NENETSKIY.

--ARTICLE 72, WHICH LISTS MATTERS FALLING UNDER THE LIMITED OFFICIAL USE

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JURISDICTION OF THE REPUBLIC GOVERNMENT, INCLUDES A NUMBER OF AREAS NOT LISTED IN ARTICLE 73 OF THE USSR CONSTITUTION AS BEING UNDER THE AUTHORITY OF THE USSR GOVERNMENT. ITEMS LISTED ONLY IN THE RSFSR CONSTITUTION ARE AS FOLLOWS: SUBSECTION (5) PRESERVATION OF STATE ORDER AND THE RIGHTS AND FREEDOMS OF CITIZENS; SUBSECTION (11) AUTHORITY OVER THE UTILIZATION OF LANDS, MINERAL WEALTH, FORESTS AND BODIES OF WATER AND PRESERVATION OF THE ENVIRONMENT; SUBSECTION (12) DIRECTION OF HOUSING AND COMMUNAL ECONOMY, EVERYDAY SERVICES TO THE POPULATION, HOUSING CONSTRUCTION AND IMPROVEMENTS IN CITIES AND OTHER CENTERS OF POPULATION, ROAD CONSTRUCTION AND TRANSPORT; SUBSECTION (13) LEADERSHIP OF EDUCATIONAL, CULTURAL AND SCIENTIFIC ORGANIZATIONS AND INSTITUTIONS OF THE RSFSR, HEALTH, PHYSICAL EDUCATION AND SPORT, SOCIAL SECURITY; PRESERVATION OF HISTORICAL AND CULTURAL MONUMENTS; SUBSECTION (14) AMNESTY AND PARDONING OF CITIZENS SENTENCED BY COURTS OF THE RSFSR.

--ARTICLES 73 TO 105 ARE VIRTUALLY IDENTICAL WITH THE SOVIET CONSTITUTION'S ARTICLES 78-109, WITH SOME TAILORING TO FIT THE REPUBLIC RATHER THAN ALL-UNION

TERMINOLOGY. THE SUCCEEDING ARTICLES DEFINE THE COMPOSITION AND FUNCTIONS OF REPUBLIC LEGISLATIVE AND EXECUTIVE ORGANS, BUT AGAIN THE WORDING ADHERES CLOSELY TO THAT OF THE NATIONAL CONSTITUTION.

--ARTICLE 115, WHICH DEFINES THE DUTIES AND FUNCTIONS OF THE RSFSR SUPREME SOVIET PRESIDUM, IS ALMOST IDENTICAL TO ARTICLE 121 OF THE USSR CONSTITUTION, EXCEPT FOR CLAUSE (8), WHICH RELATES TO ADMINISTERING SUB-DIVISIONS WITHIN THE REPUBLIC.

--THE RESPECTIVE SECTIONS ON COUNCILS OF MINISTERS ARE AGAIN ALMOST IDENTICAL, WITH THE EXCEPTION OF THE LAST PARAGRAPH, NO. 7 (ARTICLE 125), ALSO RELATED TO THE WORK OF ADMINISTERING OBLASTS, OKRUGS AND KRAYS WITHIN THE LIMITED OFFICIAL USE

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--SECTION VII, ON LOCAL ORGANS, IS SOMEWHAT MORE SPECIFIC THAN IS THE NATIONAL CONSTITUTION IN DEFINING RULES GOVERNING THE WORK AND FREQUENCY OF MEETINGS OF LOCAL SOVIETS.

--ARTICLES 144-150 DEAL WITH THE EXECUTIVE COMMITTEES

OF LOCAL SOVIETS, A SUBJECT DISPOSED OF IN ONE PARAGRAPH IN THE NATIONAL CONSTITUTION, BUT THE WORDING ADHERES TO THAT USED FOR HIGHER-LEVEL EXECUTIVE COMMITTEES.

--PART VII, THE RSFSR STATE PLAN FOR ECONOMIC AND SOCIAL DEVELOPMENT, WITH TWO SUBSECTIONS (CHAPTER 19 WITH THE SAME TITLE AND CHAPTER 20, THE RSFSR STATE BUDGET), ARE WITHOUT ANY ANALOGOUS EQUIVALENT IN THE NATIONAL CONSTITUTION, BUT ARE SIMILAR TO SECTIONS IN THE RSFSR 1937 CONSTITUTION.

--SECTION IX, ON THE LAW, RESUMES ADHERENCE TO THE NATIONAL CONSTITUTION, AND X AND XI FOLLOW SUIT (ON THE EMBLEM, FLAG AND CAPITAL OF THE RSFSR, AND ON THE IMPLEMENTATION OF THE RSFSR CONSTITUTION AND HOW IT MAY BE CHANGED).

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3. COMMENT: THE NEW DRAFT RSFSR CONSTITUTION IS EXTRA-ORDINARY ONLY IN THAT IT IS FAITHFUL TO THE LETTER OF THE USSR CONSTITUTION TO THE POINT OF BEING A MIRROR IMAGE. THE RSFSR DRAFT, LIKE THE NEW USSR CONSTITUTION, GIVES GREATER DE JURE RECOGNITION TO THE DOMINANT ROLE OF THE COMMUNIST PARTY, AND MAINTAINS THE SUBSERVIENT, HIGHLY CENTRALIZED RELATIONSHIP BETWEEN THE REPUBLIC AND CENTRAL AUTHORITIES, GOVERNMENT AND PARTY. THE RSFSR DRAFT DOES CONTAIN A FEW PHRASES PLACING GREATER EMPHASIS THAN DOES THE USSR CONSTITUTION ON THE "SOVEREIGNTY" OF THE REPUBLIC. IN GENERAL, HOWEVER, THE RSFSR DRAFT FOLLOWS THE NEW USSR CONSTITUTION IN STRESSING EVEN MORE THAN DID THE STALIN CONSTITUTIONS (REPUBLIC AND USSR) THE CENTRALIZED CHARACTER OF THE SOVIET STATE.

4. THE SUBSTANTIVE CHANGES IN THE DRAFT RSFSR CONSTITUTION FROM ITS 1937 PREDECESSOR DERIVE DIRECTLY FROM THE NEW USSR CONSTITUTION. FOR EXAMPLE, LIKE THE NEW USSR CONSTITUTION, THE RSFSR DRAFT LAW UPGRADES THE ROLE OF THE SUPREME SOVIET IN GENERAL TERMS AND ITS PRESIDUM IN MORE PARTICULAR TERMS. THE RSFSR DRAFT INCLUDES A MORE SWEEPING STATEMENT OF THE COMPETENCE OF THE SUPREME SOVIET AND A SOMEWHAT BROADENED DEFINITION OF ITS POWER VIS-A-VIS THE COUNCIL OF MINISTERS THAN DID THE 1937 RSFSR CONSTITUTION. BUT AGAIN, THE MODEL FOR THE CHANGE IS THE USSR CONSTITUTION.

5. FROM OUR FIRST READING IT APPEARS THAT THE ONLY NEW PROVISIONS OF THE USSR CONSTITUTION NOT INCORPORATED IN THE NEW RSFSR DRAFT ARE THOSE WHICH OBVIOUSLY DO NOT

APPLY TO A REPUBLIC. FOR EXAMPLE, TWO OF THE NEW PROVISIONS OF THE USSR CONSTITUTION CREATE A FIRST DEPUTY LIMITED OFFICIAL USE

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CHAIRMAN OF THE PRESIDUM OF THE SUPREME SOVIET AND ASSIGN TO THE PRESIDUM OF THE SUPREME SOVIET POWER TO APPOINT THE DEFENSE COUNCIL. BOTH PROVISIONS ARE RELEVANT ONLY TO THE CENTRAL GOVERNMENT AND ARE UNDERSTANDABLY ABSENT FROM RSFSR DRAFT.

6. WHEN WASHINGTON ANALYSTS HAVE HAD AN OPPORTUNITY TO STUDY THE VARIOUS DRAFT REPUBLIC CONSTITUTIONS, WE WOULD APPRECIATE THEIR VIEWS ON DISTINCTIONS BETWEEN THEM, IF ANY, OF POSSIBLE POLITICAL SIGNIFICANCE. TOON

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